

TENTH DAY

(Wednesday, January 27, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Word

Absent—Excused

Creighton	Wilson
Kennard	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Kennard was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Herring.

Senator Wilson was granted leave of absence for today on account of important business on motion of Senator Schwartz.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 6

Reports of Standing Committees

Senator Hall submitted the follow-

ing reports for the Committee on County, District and Urban Affairs:

S. B. No. 8 (Amended)

S. B. No. 5

S. B. No. 19 (Amended)

S. B. No. 49

S. B. No. 50

S. B. No. 73 (Floor Report)

S. B. No. 89 (Floor Report)

S. B. No. 52 (Floor Report)

Senate Bills and Resolution on First Reading

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Herring:

S. B. No. 117, A bill to be entitled "An Act relating to the issuance of permits for and the regulation of mass gatherings; providing a penalty for violations; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Harris:

S. B. No. 118, A bill to be entitled "An Act amending Subsections (a) and (b) of Section 140, Subsections (a), (b), (d), and (e) of Section 141, and Subsection (a) of Section 142, Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes); providing for the annual inspection of directional signals on motor vehicles; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Harris:

S. B. No. 119, A bill to be entitled "An Act amending Subsections (a) and (b) of Section 140, Subsections (a), (b), (d), and (e) of Section 141, and Subsection (a) of Section 142, Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes); providing for the visual inspection of tires annually on motor vehicles; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Harris:

S. B. No. 120, A bill to be entitled "An Act amending Subsections (a) and (b) of Section 140, Subsections

(a), (b), (d), and (e) of Section 141, and Subsection (a) of Section 142, Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes); providing for the annual inspection of windshields on motor vehicles; and declaring an emergency."

To Committee on Jurisprudence.

By Senator McKool:

S. B. No. 121, A bill to be entitled "An Act relating to the treatment of certain students at state-supported institutions of higher education as Texas residents; and declaring an emergency."

To Committee on Education.

By Senators McKool and Harris:

S. B. No. 122, A bill to be entitled "An Act amending Section 1, Chapter 73, Acts of the 60th Legislature, Regular Session, 1967, to delete authorization for the Board of Regents of The University of Texas to acquire by condemnation certain land in Dallas County; and declaring an emergency."

To Committee on State Affairs.

By Senator Word:

S. B. No. 123, A bill to be entitled "An Act amending Chapter 274, Acts of the 60th Legislature, Regular Session, 1967, by adding thereto a new subtitle to be identified and codified as Article 5069-1.042, providing a general rule for determination of the rate of interest on real estate loans secured by a lien and authorizing refund of excess charges in the event of premature termination of loans; and declaring an emergency."

To Committee on State Affairs.

By Senator Word:

S. B. No. 124, A bill to be entitled "An Act amending Chapter 274, Acts of the 60th Legislature, Regular Session, 1967, by adding thereto a new subtitle to be identified and codified as Article 5069-1.041 relative to obligations guaranteed or insured by agencies of the United States of America; and declaring an emergency."

To Committee on State Affairs.

By Senator Hightower:

S. B. No. 125, A bill to be entitled "An Act relating to the abolition of common-law marriages after December 31, 1971; making certain conforming amendments regarding

proof of informal marriages and the declaration and registration of informal marriages; amending Subchapter E, Chapter 1, Family Code; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Hightower:

S. B. No. 126, A bill to be entitled "An Act repealing the requirement that a county judge assess certain fees; repealing Article 3926, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Hightower:

S. B. No. 127, A bill to be entitled "An Act repealing the requirement that a county judge obtain permission of the commissioners court to leave the county or the state; repealing the provision limiting his absence with permission to not more than 90 days; repealing Article 1929, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Mauzy:

S. B. No. 128, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas System to acquire by purchase, exchange, gift, or otherwise certain properties to be used for campus expansion and university purposes in The University of Texas System; vesting title in the Board of Regents of The University of Texas System; repealing Subdivision 2 of Section 1 of Chapter 73, Acts of the 60th Legislature, Regular Session, 1967, relating to the acquisition of land in Dallas County, Texas, by the Board of Regents of The University of Texas System; providing that this Act shall be cumulative; providing for severability; repealing all laws in conflict; and declaring an emergency."

To Committee on State Affairs.

By Senator Snelson:

S. B. No. 129, A bill to be entitled "An Act amending subparagraph 5 of Article 18.02, Code of Criminal Procedure, providing for the issuance of a search warrant authorizing the seizure of items of evidentiary value; amending Article 18.13, Code

of Criminal Procedure, providing the rules under which such warrant may issue; and declaring an emergency."

To Committee on Jurisprudence.

By Senators Brooks, Jordan, Schwartz and Wallace:

S. B. No. 130, A bill to be entitled "An Act relating to branch offices for absentee voting by personal appearance in counties having a population of more than 1,500,000; amending Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), by adding Subdivision 14-A; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Bridges:

S. B. No. 131, A bill to be entitled "An Act creating and establishing in Corpus Christi, Nueces County, Texas, a fully State-supported, coeducational institution of higher learning, to be known as the University of South Texas; establishing a Board of Regents and providing for its appointment, tenure and authority; prescribing the powers of the Board of Regents; providing for the collection of fees and the acceptance of gifts and donations; providing that general laws affecting other State institutions of higher learning, not in conflict with this act, shall apply to and govern the University of South Texas; authorizing contracts for courses in military training; providing that the several sections of this act shall be severable; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To Committee on State Affairs.

By Senators Harris, Mauzy and McKool:

S. C. R. No. 10, Granting Billy Warren (B. W.) Cody permission to sue the State of Texas.

To Committee on Jurisprudence.

Co-author of Senate Joint Resolution 15 Withdrawn

On motion of Senator Grover and by unanimous consent, his name will be withdrawn as Co-author of S. J. R. No. 15.

Senate Resolution 124

Senator Word offered the following resolution:

Whereas, We deem it necessary and to the best interest of the people of the State of Texas that a Senate General Investigating Committee be appointed, having the powers as hereinafter set forth; now, therefore, be it

Resolved, by the Senate of the State of Texas:

Section 1. That the Lieutenant Governor be, and he is hereby authorized to appoint a committee of five Members of the Senate to sit at such times and places from and after the adoption of this Resolution and until the convening of the 63rd Legislature, Regular Session, as may to said committee seem necessary and proper; and the committee shall continue the inquiries heretofore begun by the committee heretofore authorized and appointed, relative to law violations and the administration of all state laws and any of the matters pertaining to or affecting the revenues of the state government, and the expenditures of taxes, fees, and assessments, and to inquire into any other affairs and activities of governmental departments and institutions of whatever kind and character, as such activities in any way affect the financial or other welfare of the government and the citizens of Texas. Said committee shall make a study of any other governmental activity, and shall have authority to investigate and inquire into any such matters.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting, recessing, and adjournment. Provided, however, that the rules of evidence to be followed shall be practically the same as followed in the courts of this state, and the committee is authorized to hold executive sessions, within its discretion, and then the committee may be governed by the rules of evidence applicable to any grand jury inquiry in this state.

Sec. 3. That the majority of the membership of the committee shall have power to issue process for witnesses to any place in this state, and to compel their attendance, and pro-

duce all books and records, and upon disobedience of any subpoena the said committee shall have the power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this state; and said committee shall have authority to cite for contempt anyone disobeying said process and to punish for such contempt in the same manner as provided for by general law. Said committee shall have power to inspect and make copies of any books, records, or files of the departments and institutions and any and all other instruments and documents pertinent to the matter under investigation by said committee, and to take possession of any files, records, papers in any department or agency of the state and to retain the same in its custody until any investigation in which such committee may be engaged or undertaken is completed, including any county or political subdivision of this state, and shall also have power to examine and audit the books of any person, firm or corporation having dealings with departments and institutions under investigation by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all the powers necessary in order to accomplish the purposes for which it is appointed. Three members of such committee shall constitute a quorum for the transaction of official business.

Sec. 4. The witnesses attending under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this state.

Sec. 5. Said committee shall have power and authority to employ and compensate all necessary investigators, auditors, clerks, stenographers, and other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigations.

Sec. 6. That said committee may call upon the Attorney General's Department, Auditing Department, and all other departments for assistance and advice, and it shall be the duty of the Attorney General's De-

partment to render opinions, and give counsel and assistance to said committee on request of chairman or members of said committee.

Sec. 7. That said committee shall submit a report in writing to the 63rd Legislature or at any time deemed appropriate prior to the convening of the 63rd Legislature, and make such recommendations as it may choose to make. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and contingent fund of the 62nd Legislature and out of any fund otherwise appropriated by such Session of said Legislature for such purpose, upon sworn account of persons entitled to such pay, when approved by the chairman of said committee; and sufficient money is hereby appropriated out of the mileage and contingent fund of said 62nd Legislature to meet the payment of such expenses of the members of said committee, witnesses, fees, and other expenses incident to said investigation.

WORD

Signed: Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Herring, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, and Wilson.

The resolution was read.

On motion of Senator Hall and by unanimous consent, the names of all the Senators were added to the resolution as signers thereof.

On motion of Senator Word the resolution was adopted.

(Senator Blanchard in Chair.)

Motion to Place Senate Bill 23 on Second Reading

Senator McKool moved that Senate Rules 13 and 110 be suspended and that S. B. No. 23 be taken up for consideration at this time.

The motion was lost by the following vote: (not receiving four-fifths vote of the Members of the Senate).

Yeas—21

Bates	Jordan
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Patman
Brooks	Ratliff
Christie	Schwartz
Grover	Sherman
Harrington	Snelson
Harris	Wallace
Hightower	

Nays—6

Aikin	Herring
Connally	Watson
Hall	Word

Absent

Moore

Absent—Excused

Creighton	Wilson
Kennard	

Senate Bill 64 on Second Reading

Senator Mauzy moved that Senate Rules 13 and 110 be suspended and that S. B. No. 64 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Jordan
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Word

Absent—Excused

Creighton	Wilson
Kennard	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 64, A bill to be entitled "An Act amending Statutes relating to the assessment and collection of

taxes in certain independent school districts; and declaring an emergency."

The bill was read second time and was passed to engrossment.

(President in Chair.)

Senate Bill 64 on Third Reading

Senator Mauzy moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 64 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Jordan
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Word

Absent—Excused

Creighton	Wilson
Kennard	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Jordan
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Word

Absent—Excused

Creighton Wilson
Kennard

Senate Bill 2 on Second Reading

Senator Bates moved that Senate Rules 13 and 110 be suspended and that S. B. No. 2 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Jordan
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Word

Absent—Excused

Creighton Wilson
Kennard

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 2, A bill to be entitled "An Act changing the name of Pan American College to Pan American University; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 2 on Third Reading

Senator Bates moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 2 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Bridges
Bates	Brooks
Beckworth	Christie
Bernal	Connally
Blanchard	Grover

Hall	Moore
Harrington	Patman
Harris	Ratliff
Herring	Schwartz
Hightower	Sherman
Jordan	Snelson
Kothmann	Wallace
Mauzy	Watson
McKool	Word

Absent—Excused

Creighton Wilson
Kennard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Jordan
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Word

Absent—Excused

Creighton Wilson
Kennard

Senate Bill 24 on Second Reading

Senator McKool moved that Senate Rules 13 and 110 be suspended and that S. B. No. 24 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Harrington
Bates	Harris
Beckworth	Herring
Bernal	Hightower
Blanchard	Jordan
Bridges	Kothmann
Brooks	Mauzy
Christie	McKool
Connally	Moore
Grover	Patman
Hall	Ratliff

Schwartz	Wallace
Sherman	Watson
Snelson	Word

Absent—Excused

Creighton	Wilson
Kennard	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 24, A bill to be entitled "An Act relating to sale of lists of registered voters by the registrar; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 24 on Third Reading

Senator McKool moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that S. B. No. 24 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Jordan
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Word

Absent—Excused

Creighton	Wilson
Kennard	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Blanchard
Bates	Bridges
Beckworth	Brooks
Bernal	Christie

Connally	McKool
Grover	Moore
Hall	Patman
Harrington	Ratliff
Harris	Schwartz
Herring	Sherman
Hightower	Snelson
Jordan	Wallace
Kothmann	Watson
Mauzy	Word

Absent—Excused

Creighton	Wilson
Kennard	

Memorial Resolutions

S. R. No. 119—By Senator Hightower: Memorial resolution for Chief Warrant Officer Phillip R. Pannell.

S. R. No. 120—By Senator Brooks: Memorial resolution for Howell Warren Mann.

S. R. No. 121—By Senator Snelson: Memorial resolution for Willie H. Franz.

S. R. No. 122—By Senator Snelson: Memorial resolution for Grady Mahaffey.

S. R. No. 123—By Senator Blanchard: Memorial resolution for Joe H. Bryant (amended).

S. R. No. 125—By Senator Wallace and Jordan: Memorial resolution for Alexander Howard Branch (amended).

S. R. No. 127—By Senator Watson: Memorial resolution for Mrs. W. R. White.

S. R. No. 128—By Senator Watson: Memorial resolution for Mrs. Viola Popejoy.

S. R. No. 129—By Senator Watson: Memorial resolution for Henry W. Engelbrecht.

S. R. No. 130—By Senator Watson: Memorial resolution for Louis Bear-den.

S. R. No. 131—By Senator Watson: Memorial resolution for Mrs. John N. Rentfro.

S. R. No. 132—By Senator Watson: Memorial resolution for Charlie Golden.

S. R. No. 133—By Senator Schwartz: Memorial resolution for John Francis Conlon.

S. R. No. 134—By Senator Schwartz: Memorial resolution for Mrs. Margaret Wiley Weaver.

S. R. No. 135—By Senator Schwartz: Memorial resolution for T. J. (Tony) Bogatto.

Welcome Resolution

S. B. No. 126—By Senator Hall: Extending welcome to Mr. and Mrs. Ken Lambert et al.

Adjournment

On motion of Senator Aikin the Senate at 11:50 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

January 27, 1971

S. C. R. No. 6

ELEVENTH DAY

(Thursday, January 28, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Hightower
Beckworth	Jordan
Bernal	Kennard
Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Connally	Patman
Creighton	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Word

Absent—Excused

Bates	Wilson
Ratliff	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Wilson was granted leave of absence for today on account of important business on motion of Senator Moore.

Senator Bates was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Ratliff was granted leave of absence for today on account of important business on motion of Senator Herring.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator Hall:

S. B. No. 132, A bill to be entitled "An Act relating to punishment for contempt; amending Article 1911, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Hall:

S. B. No. 133, A bill to be entitled "An Act repealing Article 1929, Revised Civil Statutes of Texas, 1925, relating to the absence from office of a county judge; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Patman:

S. B. No. 134, A bill to be entitled "An Act providing for the licensing of milk testing operators, milk haulers and equipment used to determine component parts of milk; amending Article 5736b, Revised Civil Statutes of Texas, 1925 (Article 1057b, Vernon's Texas Penal Code); repealing Article 5736a, Revised Civil Statutes of Texas, 1925; repealing Article 5736c, Revised Civil Statutes of Texas, 1925, as amended (Article 1057c, Vernon's Texas Penal Code); amending Article 5736d, Revised Civil Statutes of Texas, 1925, as amended; pro-